

AMENDED IN ASSEMBLY JANUARY 28, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1412**

**Introduced by Assembly Members Ducheny, Morrow,  
Granlund, Bordonaro, Cardoza, and Oller**  
(Coauthors: Senators Monteith and Peace)

February 28, 1997

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An act to amend Section 27803 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1412, as amended, Ducheny. Motorcycles: helmets.

Under existing law, it is unlawful for any person to operate a motorcycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet. Existing law also makes it unlawful to ride as a passenger on a motorcycle if the driver or any passenger is not wearing a safety helmet.

This bill would make the above prohibitions applicable only to persons under 18 years of age *and to persons 18 years of age or older who cannot show proof of current medical insurance that covers the potential costs of personal injuries*. The bill would also delete a statement of legislative intent regarding the wearing of safety helmets.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 27803 of the Vehicle Code is  
2 amended to read:

3 27803. (a) (1) A driver under 18 years of age and any  
4 passenger under 18 years of age shall wear a safety helmet  
5 meeting requirements established pursuant to Section  
6 27802 when riding on a motorcycle, motor-driven cycle,  
7 or motorized bicycle.

8 (2) *A driver 18 years of age or older and any passenger*  
9 *18 years of age or older shall wear a safety helmet when*  
10 *riding a motorcycle, motor-driven cycle, or motorized*  
11 *bicycle, unless that driver and passenger can show proof*  
12 *of current medical insurance that covers the potential*  
13 *costs of personal injuries that may be incurred when*  
14 *riding a motorcycle, motor-driven cycle, or motorized*  
15 *bicycle.*

16 (b) It is unlawful to operate a motorcycle,  
17 motor-driven cycle, or motorized bicycle if the driver or  
18 any passenger is not wearing a safety helmet as required  
19 by subdivision (a).

20 (c) It is unlawful to ride as a passenger on a  
21 motorcycle, motor-driven cycle, or motorized bicycle if  
22 the driver or any passenger is not wearing a safety helmet  
23 as required by subdivision (a).

24 (d) This section applies to persons who are riding on  
25 motorcycles, motor-driven cycles, or motorized bicycles  
26 operated on the highways.

27 (e) For the purposes of this section, “wear a safety  
28 helmet” or “wearing a safety helmet” means having a  
29 safety helmet meeting the requirements of Section 27802  
30 on the person’s head that is fastened with the helmet  
31 straps and that is of a size that fits the wearing person’s  
32 head securely without excessive lateral or vertical  
33 movement.

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